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NOTE: CHANGES MADE BY  
THE COURT

10 Attorneys for Plaintiff  
11 United States of America

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION  
15

16 UNITED STATES OF AMERICA, ) NO. SACV 08-450-AG (AGRx)  
17 Plaintiff, ) **{PROPOSED}**  
18 v. ) **CONSENT JUDGMENT**

19 ONE 2006 MERCEDES E55, ONE )  
BREITLING K13355 WATCH, ) [NOTICE OF LODGING LODGED  
20 \$237,150.00 IN U.S. CURRENCY, ) CONCURRENTLY HEREWITH]  
21 \$12,636.49 IN BANK ACCOUNT )  
FUNDS, AND \$35,786.45 IN )  
22 ACCOUNT FUNDS, )

23 Defendants. )

24 JAMES LAMMERDING, )  
25 Claimant. )  
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1 On April 25, 2008, plaintiff United States of America  
2 ("plaintiff" or the "government") filed a Complaint for  
3 Forfeiture against the defendant properties as follows: One 2006  
4 Mercedes E55, Vin number WDBUF76J66A893866 ("defendant vehicle"),  
5 One Breitling K13355 watch ("defendant watch), serial number  
6 416165#2, \$237,150.00 in U.S. Currency ("defendant currency"),  
7 \$12,636.49 in Bank Account Funds ("defendant bank funds") and  
8 \$35,786.45 in Accounts Funds ("defendant bank funds"),  
9 (collectively the "defendant assets"). The government alleged  
10 that the defendant assets were subject to forfeiture pursuant to  
11 21 U.S.C. §§ 881 (a)(4) and (a)(6).

12 Claimant James Lammerding ("Lammerding") filed a Statement  
13 of Interest on May 21, 2008. No other claims, statements of  
14 interest, or answers have been filed, and the time for filing  
15 claims, statements, and answers has expired.

16 The Court having been duly advised of and having considered  
17 the matter, and based upon the consent of plaintiff and  
18 claimants,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

20 1. This Court has jurisdiction over this action pursuant  
21 to 28 U.S.C. §§ 1345 and 1355.

22 2. The **parties stipulate that the** Complaint for Forfeiture  
23 states a claim for relief  
24 pursuant to 21 U.S.C. §§ 881 (a)(4) and (a)(6).

25 3. Notice of this action has been given as required by  
26 law.

27 Claimant filed the only statement of interest or claim. Claimant  
28 is relieved of his duty to file an answer in this action. The

1 Court deems that all other potential claimants admit the  
2 allegations of the Complaint for Forfeiture to be true.

3 4. The parties have previously agreed to a partial consent  
4 judgment of \$190,233.71 that was applied to claimant's  
5 outstanding federal tax liability for 2005, 2006 and 2007. The  
6 United States Marshals Service has remitted payment directly to  
7 the Internal Revenue Service and claimant's federal tax liability  
8 has been satisfied.

9 5. The 2006 Mercedes E55, Vin number WDBUF76J66A893866 and  
10 Breitling K13355 watch shall be returned to Lammerding.  
11 Lammerding, through his attorney, will make arrangements with the  
12 United States Marshal Service to have the 2006 Mercedes E55 and  
13 Breitling K13355 watch returned.

14 6. The remaining defendant assets (with the exception of  
15 the sum of \$190,233.71 previously released pursuant to the  
16 partial consent judgment dated March 29, 2010) plus interest as  
17 provided by law from the date of seizure, are hereby forfeited to  
18 the United States of America, and no other right, title, or  
19 interest shall exist therein.

20 7. Claimants hereby release the United States of America,  
21 its agencies, officers, and employees, including employees of the  
22 Federal Bureau of Investigations, and local law enforcement  
23 agencies, their agents, officers, and employees, from any and all  
24 claims, actions, or liabilities arising out of or related to this  
25 action, including, without limitation, any claim for attorneys'  
26 fees or costs on behalf of claimants, whether pursuant to 28  
27 U.S.C. § 2465 or otherwise.

28 8. The Court finds that there was reasonable cause for the

1 institution of these proceedings against the defendant assets.  
2 This judgment shall be construed as a certificate of reasonable  
3 cause pursuant to 28 U.S.C. § 2465.

4 9. The Court further finds that the claimant did not  
5 substantially prevail in this action, and the parties shall bear  
6 their own attorneys' fees and other costs of litigation.

7 DATED: July 9, 2010



8  
9 THE HONORABLE ANDREW J. GUILFORD  
10 UNITED STATES DISTRICT JUDGE  
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CONSENT

The government and claimant consent to judgment and waive any right to appeal.

DATED: June \_\_\_\_, 2010

ANDRÉ BIROTTE JR.  
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DATED: June \_\_\_\_, 2010

LAW OFFICES OF SHAWN R. PEREZ

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SHAWN R. PEREZ, ESQ.

Attorney for James Lammerding,  
Claimant